

STATE OF MAINE
SUPREME JUDICIAL COURT
PROPOSED AMENDMENTS TO
MAINE RULES OF UNIFIED CRIMINAL PROCEDURE

1. Rule 3, subdivision (g) of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

(g) Statute Sequence Number. Unless the crime charged is an excepted crime under Rule 57, ~~Each~~ each count of the complaint shall set forth the Statute Sequence Number for the crime or crime variant charged.

Advisory Note – June 2016

Rule 3(g) is amended to reflect the definition of “Statute Sequence Number” in Rule 57(h), which expressly excludes any criminal charge that does not require an Arrest Tracking Number (ATN) under Rule 57(a).

2. Rule 16, subdivision (a), paragraph (2), subparagraph (E) of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

(a) Automatic Discovery.

....

(2) *Duty of the Attorney for the State.* The attorney for the State shall provide the following to the defendant:

....

(E) A copy of any notification provided to the court by the attorney for the State pursuant to Rule 6(e) or (h) that pertains to the case against the defendant.

Advisory Note – June 2016

Rule 16(a)(2)(E) is amended to include the duty of the attorney for the State who has made a disclosure to “any government personnel not otherwise addressed in . . . [subdivision (e)] or subdivision (h)” pursuant to M.R.U. Crim. P. 6(e)(3), to

provide a copy of any notification that was provided to the court as required by the final paragraph of Rule 6(e). This change was unintentionally omitted when Rule 6(e) was amended, effective September 1, 2015. (2015 Me. Rules 16).

3. Rule 36, subdivision (b) of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

(b) De Novo Review of Preconviction Bail Set by Judicial Officer for a Crime Bailable as of Right. ~~Any defendant aggrieved by a decision of a bail commissioner may file a petition in the Unified Criminal Docket for de novo review of bail as set forth in 15 M.R.S. § 1028.~~

(1) *Defendant Aggrieved by a Bail Commissioner's Decision.* Any defendant charged with a crime bailable as of right who is aggrieved by a decision of a bail commissioner may file a petition in the Unified Criminal Docket for a de novo determination of bail as set forth in 15 M.R.S. § 1028.

(2) *Defendant Aggrieved by the Court's Decision.* Any defendant charged with a crime bailable as of right who is aggrieved by a decision of the court made at arraignment or initial appearance as to the amount or conditions of bail set may file a petition in the Unified Criminal Docket for a redetermination of bail in accordance with the procedures set forth in Rule 46(d).

Advisory Note – June 2016

Rule 36(b) is amended by deleting the first sentence, which is repetitive of subsection (b)(1).

4. Rule 48, subdivision (b), paragraph (2) of the Maine Rules of Unified Criminal Procedure is amended to read as follows:

(2) If no indictment has been returned by the grand jury within 6 months ~~of~~ after the initial appearance of the defendant or after the 3rd regularly scheduled session of the grand jury after the initial appearance, whichever occurs first, the ~~clerk of the Unified Criminal Docket court~~ shall enter a dismissal of ~~dismiss~~ the complaint, unless within the time period specified in this paragraph the attorney for the State moves to enlarge the period and shows the court good cause why the complaint should remain on the docket. The dismissal pursuant to this paragraph shall be without prejudice.

Advisory Note – June 2016

Subdivision (b)(2), which was added to Rule 48 in 2005, provided for the automatic dismissal of criminal complaints by clerks. As the practice evolved, courts, rather than clerks, have issued the orders of dismissal without prejudice. The amendment to Rule 48(b)(2) recognizes the actual practice and also places responsibility for the dismissal of a criminal charge under the Rule with a judicial officer.

In addition, the word “after” has been substituted for the word “of” to clarify that the time period in question begins to run after the initial appearance.

5. Rule 57, subdivision (i) of the Maine Rules of Unified Criminal Procedure is adopted to read as follows:

(i) Unified Criminal Docket. “Unified Criminal Docket” means the single criminal docket for each county resulting from the consolidation of what formally were the two separate and distinct criminal dockets for the Superior and District Courts.

Advisory Note – June 2016

Rule 57(i) is adopted to define the term “Unified Criminal Docket” as the phrase appears in these Rules. The definition makes clear that the former separate and distinct criminal dockets for Maine’s two trial courts have been replaced by a single consolidated docket. This unification of the two trial courts’ criminal dockets further signals that the former distinctions between the functions of the Superior and District Courts in their handling of criminal matters have largely been eliminated. See Committee Advisory Note [December 2014] to M.R.U. Crim. P. 1(a) and 36.